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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/761,108

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Andrew D. Cohen

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11/23/2010

BANNER & WITCOFF, LTD

ATTORNEYS FOR CLIENT NUMBER 007412

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SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

11/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/761,108 | Applicant(s) COHEN, ANDREW D. | |
| | Examiner SAHAR A. BAIG | Art Unit 2424 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-11 and 18-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-11 and 18-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/10/2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 9-11, and 18-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 9-11, and 18-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al. US Patent Publication No. 2005/0120384 in view of Minne US Patent Publication No. 2005/0138654.

Regarding Claim 1, 11, 20, 21, 24, Stone discloses a system comprising:
a high definition television (HDTV) comprising an interconnect [Figure 3
DVI/HDMI 114 and TMDS LINK 128]; and a video receiving device [Figure 2

Art Unit: 2424

Terminal 103] configured to be coupled to a video service provider headend [Figure 2 Headend 102] and comprising an interconnect [Figure 3 DVI/HDMI 114 and TMDS LINK 128]. Stone is silent regarding the setup, wherein the video receiving device and the HDTV are configured such that responsive to the interconnect of the HDTV being initially electrically coupled to the interconnect of the video receiving device, the HDTV presents a data signal to the video receiving device, the video receiving device determines whether the HDTV is in fact an HDTV, and responsive to determining that the HDTV is an HDTV, the video receiving device presents the data signal to the headend. In an analogous art, Minne discloses a consumer media unit 14 which comprises a HDTV tuner and memory 32 being provided by a set top box [0016 lines 14-16 & Figure 1 item 14]. Minne discloses that the consumer media unit 14 comprises a consumer identifier for uniquely identifying consumer media unit 14 during communication transactions with HDTV broadcaster. It is used to obtain and verify the identity of the consumer media device [0035]. Therefore it would have been obvious to combine the teachings of Stone and Minne to provide relevant data to the HDTV set.

Regarding Claim 9, 18, Stone discloses a system wherein the service provider headend is at least one of a cable television provider headend and a satellite television headend [Figure 1 Cable system headend 102].

Regarding Claim 10, 19, Minne discloses a system wherein the headend is coupled to the video receiving device via a network [0031] and the network comprises hybrid fiber coaxial cable [0021].

Regarding Claims 22, 23, 26, and 27, Stone discloses a system wherein the data signal comprises manufacturer and model of the HDTV [0027 lines 1-6].

Regarding Claim 25, Minne discloses that the video signal comprises an HDTV signal [0041 *HDTV broadcaster periodically datacasts one or more signals of digital content selections over a terrestrial broadcast HDTV digital signal*].

Regarding Claim 28 -31, Stone discloses that the video receiving device comprises a set top box (STB) [Figure 1 Terminals 103 and 103A].

Regarding Claim 32-33, Stone discloses that the interconnect is a digital video interface (DVI) interconnect [Figure 3 DVI/HDMI 114 and TMDS LINK 128].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Kim US Patent No. 7,009,660 and Cocchi et al. US Patent No. 7,457,967.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

SB